

REMARKS**Response to Claim Objections**

Claim 1 was objected to by the Examiner because of the following informalities which appear at lines 13 and 14. In response, applicants have amended claim 1 as suggested by the Examiner.

Response to Claim Rejections Under 35 U.S.C. §112

Claims 85, 87 and 89-95 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In response, applicants have amended claim 85 to clarify the features of a tissue cutting edge. Additionally, applicants have amended claim 89 to delete reference to opposed tissue cutting edges.

Response to Claim Rejections Under 35 U.S.C. §103

The Examiner has rejected Claims 1, 7, 9, 21, 71, 73-85, 87 and 89-95 under 35 U.S.C. §103(a) as being unpatentable over Miller et al. (U.S. Pat. 6,758,824) in view of several secondary references, namely, Levin (U.S. Pat. 5,578,030), Ouchi (U.S. Pat. 6,514,215), Mauze et al. (U.S. Pat. No. 6,176,865) and Clement (U.S. Pat. 5,335,671).

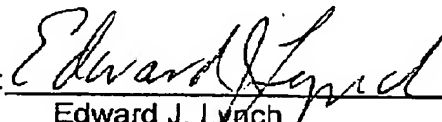
Applicants have amended the above claims to clarify features of the invention and specifically to call for an elongated slot in the distal tubular portion of the tissue cutting member which opens to the tissue receiving opening in the bevelled distal tip of the tissue cutting member. None of the above cited references individually or in any combination teach or suggest all the features of the amended claims. Therefore, the

requirements of 35 U.S.C. §103(a) are not met by these references. Applicants respectfully request that the rejection be withdrawn.

Conclusions

Applicants believe that the pending claims as amended above are directed to patentable subject matter. Further consideration pursuant to the concurrently filed RCE and an early allowance of the claims are earnestly solicited.

Respectfully submitted,

By: 
Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

EDWARD J. LYNCH
Patent Attorney
One Embarcadero Center
Suite 562
San Francisco, CA 94111
Telephone: (415) 646.8028
Facsimile: (415) 646.8035